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*Will comply with LR IA 11-2 within 14 days

Attorneys for Defendant Chromalloy Nevada

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARCI WELCH, an individual,

Plaintiff,

v.

CHROMALLOY NEVADA, business entity
unknown; RAMON PERROT, an individual,
an individual, and DOES I-20, inclusive; ROE
CORPORATIONS 1-20, inclusive,

Defendants.

Case No. _____

**DEFENDANT CHROMALLOY
NEVADA'S NOTICE OF REMOVAL
OF CIVIL ACTION**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendant Chromalloy Nevada ("Chromalloy") respectfully submits this Notice of Removal of Civil Action from the First Judicial District Court in and for Carson City County, Nevada to the United States District Court for the District of Nevada. In support of this Notice of Removal, Chromalloy states:

1 1. Plaintiff Marci Welch (“Plaintiff”) filed a civil action against Chromalloy, among
2 others, on or about March 3, 2021 with the First Judicial District Court in and for Carson City
3 County, Nevada, styled *Marci Welch vs. Chromalloy Nevada, et al.*, Case No. 21-TRT-00015 1B
4 (the “State Court Action”).

5 2. Pursuant to 28 U.S.C. § 1446(a), true and legible copies of all process, pleadings,
6 and orders from the State Court Action served upon Chromalloy are attached hereto collectively as
7 “Exhibit A”. To the best of Chromalloy’s knowledge, no other process, pleadings, or orders have
8 been served upon Chromalloy in the State Court Action.

9 3. This Notice of Removal is appropriate under 28 U.S.C. §§ 1331 and 1441(a), which
10 provide that an action shall be removable if the Federal court has original jurisdiction over the
11 subject matter of the Complaint. Original jurisdiction arises under circumstances where the
12 controversy in the civil action involves a “federal question.” 28 U.S.C. § 1331.

13 4. This Court has federal question jurisdiction over this action pursuant to 28 U.S.C. §
14 1331 since Plaintiff has asserted claims of gender discrimination/sexual harassment and
15 constructive discharge in violation of Title VII of the Civil Rights Act of 1964, as amended, 42
16 U.S.C. §§ 2000e, *et seq.* (“Title VII”). Thus, this Court has original jurisdiction over the allegations
17 in Plaintiff’s Complaint under 28 U.S.C. § 1331 and the action is removable pursuant to the
18 provisions of 28 U.S.C. §§ 1441 and 1446.

19 5. Supplemental jurisdiction of Plaintiff’s remaining state law claims is proper under
20 28 U.S.C. § 1367(a) as these claims are “so related to claims in the action within [the Court’s]
21 original jurisdiction that they form part of the same case or controversy.” Specifically, Plaintiff’s
22 claims for gender discrimination/sexual harassment and constructive discharge under NRS §§
23 613.310 – 613.435, intentional infliction of emotional distress, battery, and negligent hiring,
24 supervision, training, and retention are all based upon the same facts giving rise to her claims under
25 Title VII.

26 6. Venue is proper in this Court pursuant to 28 U.S.C. 1441(a) because the United
27 States District Court for the District of Nevada embraces the place where the State Court Action is
28 pending.

7. Chromalloy was served in this action on or about March 4, 2021. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b), *i.e.*, within 30 days of Plaintiff's service of the Complaint upon Chromalloy in the State Court Action.

8. Pursuant to 28 U.S.C. § 1446(d), contemporaneously with the service of this Notice of Removal, Chromalloy is filing a Notice of Filing Notice of Removal in the State Court Action, a copy of which is attached as "Exhibit B",¹ and is serving a copy of that Notice of Filing upon Plaintiff's counsel.

9. Chromalloy does not, by filing this Notice of Removal, waive any defenses that may be available to it in this action.

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¹ Exhibit 1 to Chromalloy's Notice of Filing Notice of Removal of Civil Action is not included since it is a copy of this document.

1 WHEREFORE, Defendant Chromalloy Nevada respectfully requests that this action, now
2 pending in the First Judicial District Court in and for Carson City County, Nevada, be removed
3 therefrom to this Court and that further proceedings in this action be conducted in this Court as
4 provided by law.

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6 DATED this 23rd day of March 2021.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

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8 By: /s/ Jennifer K. Hostetler

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21 *Will comply with LR IA 11-2 within 14
22 days

23 Attorneys for Defendant Chromalloy Nevada
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CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2021, I caused a true and accurate copy of the foregoing document entitled **DEFENDANT CHROMALLOY NEVADA'S NOTICE OF REMOVAL OF CIVIL ACTION** to be filed via the Court's CM/ECF system, which will accomplish service on all parties of record through their counsel, including:

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Attorney for Plaintiff

By: / s / Dana Provost
An Employee of Lewis Roca
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